REMARKS

Claims 1-6 are pending in this Application. Claims 1-6 were rejected by the Examiner. The Applicant has amended claim 1 in accordance with the Examiner's to more particularly and distinctly point out the subject matter that the Applicant regards as the invention. All claim amendments are fully supported by the specification. No new matter has been added.

35 U.S.C. §112

The Examiner rejected claims 1-6 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Applicant has amended claim 1 to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Accordingly, the Applicant respectfully requests withdrawal of the 35 U.S.C. §112 rejection.

35 U.S.C. §103(a)

Claims 1, 2, and 4-6

The Examiner rejected claims 1, 2, and 4-6 under 35 U.S.C. §103(a) as being unpatentable over Schramm et al. (U.S. Ref. No. 6,208,663) in view of Dirschedl et al. (U.S. Ref. No. 6,262,994), in further view of Hunzinger et al. (U.S. Ref. No. 7,164,654), and further in view of Dahlman et al. (U.S. Ref. No. 6,907,005).

The Schramm reference discloses a method and system for block ARQ whereby when connection quality drops below an acceptable threshold, ARQ techniques use an alternative modulation/coding scheme.

The Dirschedl reference discloses an arrangement for optimization of data transmission via a bi-directional radio channel. Respective types of modulation can be selected at a transmitter side, with a code rate of forward error correction (FEC) and power of transmitter devices provided at a reception side.

The Hunzinger reference discloses a method and apparatus for controlling the maximum number of retransmissions of an information packet that may be attempted if the information packet was not properly received. Hunzinger assigns a maximum allowable retransmission (MAR) values in order to limit the number of retransmissions.

The Dahlman reference discloses a scheme for flexible ARQ. In Dahlman, a communication channel is set up between a transmitter and receiver and a value is selected for an ARQ parameter for data packets transmitted of the channel. First and second ARQ parameter values are selected for a desired tradeoff between desired performance and goals.

Among other deficiencies in the Schramm, Dirschedl, Hunzinger, and Dahlman references, there is no disclosure, teaching, or suggestion of "receiving data at a transmitter for transmission, wherein the received data is received in data blocks from a higher layer ARQ mechanism" and "formatting the received data into packets for transmission, wherein the packets are smaller in size than the data blocks, and each packet having a particular type of encoding/data modulation." as is recited in the Applicant's amended independent claim 1.

Accordingly, the Applicant's amended independent claim 1 is patentable over the Schramm, Dirschedl, Hunzinger, and Dahlman references whether taken alone or in any combination with one another.

Claims 2 and 4-6 depend from patentable amended independent claim 1 and are therefore patentable for at least the same reasons as patentable amended independent claim 1.

Claim 3

The Examiner rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Schramm in view of Dirschedl, in further view of Hunzinger, in further view of Dahlman, and further in view of Barton et al. (U.S. Ref. No. 6,449,246).

As described above, there is no disclosure, teaching, or suggestion of "receiving data at a transmitter for transmission, wherein the received data is received in data blocks from a higher layer ARQ mechanism" and "formatting the received data into packets for transmission, wherein the packets are smaller in size than the data blocks, and each packet having a particular type of encoding/data modulation." as is recited in the Applicant's amended independent claim 1. Furthermore, the Barton reference fails to cure these deficiencies.

Accordingly, the Applicant's amended independent claim 1 is patentable over the Schramm, Dirschedl, Hunzinger, Dahlman and Barton references, whether taken alone or in any combination with one another.

Since claim 3 indirectly depends from the Applicant's patentable amended independent claim 1, it is therefore patentable for at least the same reasons as patentable amended independent claim 1.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the Applicant's undersigned attorney by telephone at the Examiner's convenience.

In view of the foregoing remarks and amendments, the Applicant respectfully submits that the present application, including claims 1-6, is in condition for allowance and a notice to that effect is respectfully solicited.

Respectfully submitted,

Joseph A. Kwak

By _____
Thomas A. Mattioli
Registration No. 56,773

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103
Telephone: (215) 568-6400
Facsimile: (215) 568-6499

TAM/yil